



Western Australia

Working with Children (Screening) Regulations 2005

Compare between:

[30 Jan 2021, 04-d0-00] and [01 Jul 2023, 04-e0-01]

Working with Children (Screening) Regulations 2005

Part 1 — Preliminary

1. Citation

These regulations are the *Working with Children (~~Criminal Record Checking~~Screening) Regulations 2005*.

[\[Regulation 1 amended: SL 2023/101 r. 4.\]](#)

2. Commencement

These regulations come into operation on the same day as the *Working with Children (Criminal Record Checking) Act 2004*, other than sections 50, 51 and 52, comes into operation.

3. Terms used

In these regulations —

[Australian Crime Commission means the Australian Crime Commission established under the Australian Crime Commission Act 2002 \(Commonwealth\) section 7;](#)

exempt work means work, described in Schedule 1, to which section 6(1) does not apply;

national event means an event taking place in Western Australia over a specific period of time —

- (a) that is organised at State, Territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and

r. 3

- (b) in which children from more than one State, Territory or country are participating;

national tour means a tour taking place over a specific period of time —

- (a) that is organised at State, Territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and
- (b) in which children from more than one State, Territory or country are participating; and
- (c) that makes stops at several different venues and locations in Australia, including at least one stop in Western Australia;

Parliamentary Commissioner means the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

section means section of the Act;

Teacher Registration Board means the Teacher Registration Board of Western Australia established by the *Teacher Registration Act 2012* section 86.

[Regulation 3 amended: Gazette 29 Dec 2006 p. 5876; 30 Nov 2012 p. 5781; 31 Dec 2013 p. 6540-1; [SL 2023/101 r. 5.](#)]

Part 2 — General

3A. Education providers prescribed for Act s. 4

The following providers of educational or vocational courses are prescribed for the purposes of the definition of *education provider* paragraph (f) in section 4 ~~of the Act~~ —

- (a) a registered training organisation as defined in the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 3;
- (b) a registered higher education provider as defined in the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth) section 5.

[Regulation 3A inserted: Gazette 24 Jun 2016 p. 2294;
amended: SL 2023/101 r. 6.]

~~4. Exemptions to “child-related work” (Sch. 1)~~

3B. Conduct review authorities (s. 4)

The ~~work described in Schedule 1 is~~ following are prescribed ~~under~~ for the purposes of the definition of *conduct review authority* in section ~~6(3)(4)~~ —

- (a) the Parliamentary Commissioner;
- (b) ~~as work to which section 6(1) does not apply~~ the Teacher Registration Board.

~~5A. Prescription of Class 1 offences (Sch. 2A)~~

~~An offence against a provision of another jurisdiction listed in Schedule 2A is prescribed under section 7(1)(c) to be a Class 1 offence.~~

[Regulation ~~5A~~3B inserted: ~~Gazette 5 Oct 2010~~
~~p. 5114~~SL 2023/101 r. 7.]

~~5. Prescription of Class 2 offences (Sch. 2)~~

~~An offence against a provision of another jurisdiction listed in Schedule 2 is prescribed under section 7(2)(c) to be a Class 2 offence.~~

~~6. Australian Crime Commission prescribed as criminal records agency (Act s. 34(1))~~

3C. Conduct review findings or outcomes — Parliamentary Commissioner Act 1971 (s. 4)

(1) In this regulation —

employee, of a relevant entity, has the meaning given in the PC Act section 19D;

head of a relevant entity has the meaning given in the PC Act section 19E;

PC Act means the *Parliamentary Commissioner Act 1971*;

reportable conduct has the meaning given in the PC Act section 19G(1)(a), (b) and (c), (2) and (3);

reportable conviction has the meaning given in the PC Act section 19H but does not include a conviction for an offence referred to in section 19G(1)(d).

(2) The following are prescribed for the purposes of the definition of conduct review finding or outcome in section 4 —

(a) a finding by the head of a relevant entity under the PC Act section 19W(3)(a) of reportable conduct in relation to an employee of the relevant entity;

(b) a finding by the Parliamentary Commissioner —

(i) under the PC Act section 19ZB(4)(a)(i), that the Parliamentary Commissioner is of the opinion that an employee of a relevant entity has engaged in reportable conduct; or

- (ii) under the PC Act section 19ZB(4)(b)(i), that an employee of a relevant entity has a reportable conviction.

[Regulation 3C inserted: SL 2023/101 r. 7.]

3D. Conduct review findings or outcomes — Teacher Registration Act 2012 (s. 4)

- (1) In this regulation —

registration means registration under the TR Act Part 3;

SAT means the State Administrative Tribunal;

TR Act means the *Teacher Registration Act 2012*.

- (2) The following are prescribed for the purposes of the definition of *conduct review finding or outcome* in section 4 —

- (a) the suspension by a disciplinary committee of the registration of a teacher under the TR Act section 70(1)(d);

- (b) the suspension by the Teacher Registration Board of the registration of a teacher under the TR Act section 80(2)(b);

- (c) the suspension by SAT of the registration of a teacher under —

- (i) the TR Act section 70(1)(d), as applied by section 84(1)(b)(i) of that Act; or

- (ii) the TR Act section 84(2)(b);

- (d) the disqualification by SAT of a person from applying for registration as a teacher under the TR Act section 84(1)(a)(ii);

- (e) the cancellation by SAT of the registration of a teacher under the TR Act section 84(1)(b)(ii) or (2)(e).

[Regulation 3D inserted: SL 2023/101 r. 7.]

3E. Corresponding laws (s. 4)

The following laws are prescribed for the purposes of the definition of *corresponding law* in section 4 —

- (a) the *Working with Vulnerable People (Background Checking) Act 2011* (Australian Capital Territory);
- (b) the *Child Protection (Working with Children) Act 2012* (New South Wales);
- (c) the *Care and Protection of Children Act 2007* (Northern Territory);
- (d) the *Working with Children (Risk Management and Screening) Act 2000* (Queensland);
- (e) the *Child Safety (Prohibited Persons) Act 2016* (South Australia);
- (f) the *Registration to Work with Vulnerable People Act 2013* (Tasmania);
- (g) the *Worker Screening Act 2020* (Victoria).

[Regulation 3E inserted: SL 2023/101 r. 7.]

3F. Australian Crime Commission ~~means the~~ is criminal records agency (s. 4)

~~The Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7(1).~~

- ~~(2) The Australian Crime Commission is prescribed as a criminal records agency under paragraph (e)(ii) is prescribed for the purposes~~ of the definition of *criminal records agency* in section ~~34(1)~~4.

[Regulation ~~6~~3F inserted: *Gazette 24 Jun 2016* p. ~~2295~~SL 2023/101 r. 7.]

4. Exemptions to child-related work (s. 6(3) and (4))

- (1) For the purposes of section 6(3), section 6(1) applies to work that is carried out on a voluntary basis by a child if —
- (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.
- (2) Subject to subregulations (3) and (4), the work described in Schedule 1 is prescribed for the purposes of section 6(4) as work to which section 6(1) does not apply.
- (3) Subregulation (2) does not apply to the work described in Schedule 1 Division 1 that is carried out on a voluntary basis by a person who is a parent of a child if —
- (a) a negative notice or interim negative notice has been issued to the person; and
 - (b) the notice is current.
- (4) Subregulation (2) does not apply to the work described in Schedule 1 clause 13 that is carried out by a student who is a child if —
- (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.

[Regulation 4 inserted: SL 2023/101 r. 7.]

5. Class 1 offences and Class 2 offences (s. 7)

- (1) For the purposes of section 7(1)(b), an offence against a provision listed in Schedule 2 is a Class 1 offence if the offence complies with any condition specified in that Schedule for that offence.
- (2) For the purposes of section 7(2)(b), an offence against a provision listed in Schedule 3 is a Class 2 offence if the offence

complies with any condition specified in that Schedule for that offence.

(3) For the purposes of Schedules 2 and 3, this subregulation applies to an offence if —

(a) the victim of the offence is a child who has reached 14 years of age; and

(b) the age difference between the victim and the offender does not exceed 5 years.

[Regulation 5 inserted: SL 2023/101 r. 7.]

6. Designated conduct review authorities (s. 17A(1))

(1) This regulation has effect for the purposes of the definition of *designated conduct review authority* in section 17A(1).

(2) The Parliamentary Commissioner is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3C(2).

(3) The Teacher Registration Board is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3D(2).

[Regulation 6 inserted: SL 2023/101 r. 7.]

7. Public authorities ~~prescribed for Act s. 38(2)~~ that are authorised entities (s. 34F(1))

The following public authorities are prescribed for the purposes of the definition of *authorised entity* in section 38(2)34F(1) —

(a) the ~~department~~departments of the Public Service principally assisting in the administration of the ~~*Children and Community Services Act 2004*~~following Acts —

(i) the *Child Care Services Act 2007*;

(ii) the *Children and Community Services Act 2004*;

(iii) the Education and Care Services National Law (WA) Act 2012;

(iv) the Motor Vehicle Drivers Instructors Act 1963;

(v) the Transport (Road Passenger Services) Act 2018;

(b) ~~the Department as defined in the Australian Health Legislation Administration Act 1984~~ Practitioner Regulation Agency established by the Health Practitioner Regulation National Law (Western Australia) section 3:23(1);

(c) ~~the department of the Public Service principally assisting in the administration of the Transport Co-ordination Act 1966;~~

~~(d) the Teacher Registration Board of Western Australia established under the Teacher Registration Act 2012;~~

~~(e) the Department of the Public Service principally assisting in the administration of the Police Act 1892.~~

[Regulation 7 ~~amended: Gazette~~ inserted: SL 2023/101 r. 7-Dec 2007 p. 5977; 30 Nov 2012 p. 5781.]

7A. Information that may be disclosed to Australian Crime Commission (s. 34G(2))

(1) In this regulation —

condition means a condition specified in the Table to section 12(3).

(2) The following information relating to a negative notice or an interim negative notice is prescribed for the purposes of section 34G(2) —

(a) the date of issue and identifying number of the notice;

(b) whether or not the condition in accordance with which the notice was issued relates to a criminal record.

[Regulation 7A inserted: SL 2023/101 r. 7.]

r. 7B

7B. Police information may be disclosed to Australian Crime Commission (s. 34I(3))

The Australian Crime Commission is prescribed for the purposes of section 34I(3).

[Regulation 7B inserted: SL 2023/101 r. 7.]

7C. Information for application for entry warrant (s. 34V(2)(a))

For the purposes of section 34V(2)(a), the following information is prescribed for an application for an entry warrant —

- (a) the applicant's full name and official details;
- (b) the place in relation to which the warrant is sought;
- (c) the authorised purpose for which entry to the place is sought;
- (d) the grounds on which the applicant considers that entry to the place is necessary;
- (e) the time period for which the warrant is required;
- (f) a statement to the best of the applicant's knowledge about whether an application for an entry warrant for the same place has been made under section 34V(1) within the previous 72 hours and, if so, whether or not a warrant was issued.

[Regulation 7C inserted: SL 2023/101 r. 7.]

7D. Form of entry warrant (s. 34W(3))

For the purposes of section 34W(3), an entry warrant must be in the form set out in Schedule 5.

[Regulation 7D inserted: SL 2023/101 r. 7.]

7E. Times at which documents are given (s. 45D(3))

- (1) For the purposes of section 45D(3) and unless the contrary is proved, subregulations (2) to (6) prescribe the times at which a

document is given if it is given by the method referred to in the relevant subregulation.

(2) A document given to a person by the method described in section 45D(2)(a) is taken to have been given —

(a) at the time the document is delivered to the person; or

(b) if the person refuses to accept that delivery — at the time —

(i) the document is placed down in the presence of the person; and

(ii) the person is told what the document is.

(3) A document given to a person by the method described in section 45D(2)(b) is taken to have been given at the time the document is left at the person's last known principal place of residence or ordinary place of business.

(4) A document given to a person by the method described in section 45D(2)(c) is taken to have been given at the time the document would have been delivered to the person in the ordinary course of post.

(5) A document given to a person by the method described in section 45D(2)(d) is taken to have been given at the time the document is sent by email to the email address specified by the person.

(6) A document given to a person by a method described in section 45D(2)(e) is taken to have been given at the time agreed to by the person, if a time was agreed to by the person for giving a document by that method.

[Regulation 7E inserted: SL 2023/101 r. 7.]

8. Fees (Sch. ~~34~~)

- (1) The fees set out in Schedule ~~34~~ are prescribed in respect of the matters specified in that Schedule.

r. 8

- (2) The CEO may reduce, waive or refund, in whole or in part, a fee specified in Schedule [34](#) in a particular case if he or she considers it appropriate to do so in the circumstances of the case.
- (3A) An applicant for an assessment notice is required to pay —
 - (a) the fee specified in Schedule [34](#) item 1(a) if the applicant is, or is to be, remunerated for carrying out any child-related work; or
 - (b) the fee specified in Schedule [34](#) item 2 if the applicant carries on, or is to carry on, a child-related business, whether or not the applicant also carries out, or is also to carry out, any child-related work in respect of which the fee specified in Schedule [34](#) item 1(b) would otherwise be payable.
- (3) The holder of an assessment notice that has been lost, damaged or destroyed may apply to the CEO for a replacement for the assessment notice.
- (4) An application under subregulation (3) is to be —
 - (a) in the approved form; and
 - (b) signed by the applicant; and
 - (c) accompanied by the fee set out in Schedule [34](#) item 4.

*[Regulation 8 amended: Gazette 1 Jul 2011 p. 2714;
[SL 2023/101 r. 8.](#)]*

Part 3 — Transitional arrangements

Division 1 — General

9. Terms used

A term defined in a provision of Part 6 of the Act has the same meaning in this Part as it does in that provision, unless the contrary intention appears.

10. Day from which person to be screened if 2 or more days apply

- (1) Subject to subregulations (2), (3) and (3a), if a provision of the Act would, but for this regulation, apply to, or in relation to, a person from 2 or more different days then the provision is to apply to, or in relation to, the person from the day that is earliest in time.
- (2) Subject to subregulation (3), if a provision of the Act would, but for this regulation, apply to, or in relation to, a person from 2 or more different days and —
 - (a) one of those days is prescribed under Division 2; and
 - (b) one of those days is prescribed under Division 3,although the person has only one child-related job, then the provision is to apply to, or in relation to, the person from the day which is prescribed under Division 3 that is earliest in time.
- (3) Subject to subregulation (3a), if a provision of the Act would, but for this regulation, apply in relation to a person from 2 or more different days one day of which is prescribed under regulation 16 then the provision is to apply in relation to the person —
 - (a) from the day that is prescribed under regulation 16; or
 - (b) from the day that is earliest in time, if the person has more than one child-related job.

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 1 General

r. 11A

- (3a) If a provision of the Act would, but for this regulation, apply to, or in relation to a person, from 2 or more different days and those days are provided under regulations 16 and 22 then the provision is to apply to, or in relation to, the person —
- (a) from the day that applies under regulation 22; or
 - (b) from the day that is earliest in time, if the person has more than one child-related job.
- (4) For the purposes of this regulation —
- child-related job**, in relation to a person, means carrying out child-related work —
- (a) while carrying on one child-related business; or
 - (b) under one contract of employment or apprenticeship (whether written or unwritten); or
 - (c) on a voluntary basis under one agreement (whether written or unwritten); or
 - (d) in his or her capacity as a minister of religion.

[Regulation 10 amended: Gazette 28 Feb 2006 p. 907-8; 8 Jan 2015 p. 81.]

[11. Deleted: Gazette 30 Nov 2012 p. 5781.]

11A. Effect of withdrawal of certain applications

- (1) In subregulation (2) —
- application** means —
- (a) an application by a person for an assessment notice, having been required to make the application by a notice given under section 16(3) or 17(3); or
 - (b) a notice by a person under section 29(1) or 30 that is treated under section 32(1) as an application for an assessment notice.

- (2) Despite this Part, if an application is withdrawn under section 11(1) and the applicant —
- (a) carries on a child-related business, then for the purposes of section 57(1), section 24(b) applies to the person from when the application is withdrawn; or
 - (b) is employed in child-related employment, then for the purposes of section 58(2), 59(2) or 60(2), sections 22(6) and 24(a) apply to the person from when the application is withdrawn.

[Regulation 11A inserted: Gazette 1 Dec 2006 p. 5298; amended: Gazette 5 Oct 2010 p. 5114; 30 Nov 2012 p. 5781.]

Division 2 — Persons carrying on child-related businesses and persons employed in certain child-related employment

12. When Act s. 24(b) applies to persons carrying on child-related businesses (Act s. 57(1))

For the purposes of section 57(1), section 24(b) applies to a person who carries on a child-related business —

- (a) from when the person starts to carry on the child-related business, if the person is a new operator; and
- (b) from 1 January 2007, if the person is a continuing operator.

13. When Act s. 22(6) and 24(a) apply to child-related employment listed in Act s. 6(1)(a) (Act s. 60(2))

- (1) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a new employee being employed in child-related employment specified in subregulations (3) and (5) —
- (a) from 1 January 2006; or
 - (b) from when the person starts to be so employed,
- whichever is later in time.

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 2 Persons carrying on child-related businesses and persons employed in certain child-related employment

r. 13

- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (3) from 1 January 2011.
- (3) Subregulations (1) and (2) apply in relation to child-related employment —
 - [(a)-(f) deleted]*
 - (g) referred to in section 6(1)(a)(xvi) in connection with a transport service specifically for children; or
 - (h) referred to in section 6(1)(a)(xvii) in connection with a school crossing service, being a service provided to assist children to cross roads on their way to or from school.
- (4) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (5) from 1 January 2009.
- (5) Subregulations (1) and (4) apply in relation to child-related employment —
 - (a) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service; or
 - (b) referred to in section 6(1)(a)(v) in connection with an arrangement for the accommodation or care of children, whether in a residential facility or private residence; or
 - (c) referred to in section 6(1)(a)(xi) in connection with a religious organisation; or
 - (d) referred to in section 6(1)(a)(xii) in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children; or
 - (e) referred to in section 6(1)(a)(xiv) in connection with a babysitting or childminding service; or

- (f) referred to in section 6(1)(a)(xv) in connection with an overnight camp; or
- (g) referred to in section 6(1)(a)(xviii) in connection with a children's entertainment or party service.

[Regulation 13 amended: Gazette 7 Dec 2007 p. 5978.]

14. When Act s. 22(6) and 24(a) apply to child-related employment listed in Act s. 6(1)(b) (Act s. 60(2))

- (1) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a new employee being employed in child-related employment referred to in section 6(1)(b) —
 - (a) from 1 January 2006; or
 - (b) from when the person starts to be so employed,whichever is later in time.
- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment referred to in section 6(1)(b) from 1 January 2006.

Division 3 — Exceptions to Division 2

15. When Act s. 22(6) and 24 apply to people involved in certain coaching or tuition services (Act s. 57(1) and 60(2))

- (1) For the purposes of section 57(1), section 24(b) applies to a person who carries on a child-related business specified in subregulation (3) —
 - (a) from 1 January 2008, if the person is a new operator who starts to carry on the business on or after 1 January 2006 but before 1 January 2007; or
 - (b) from when the person starts to carry on the business, if the person is a new operator who starts to carry on the business on or after 1 January 2007; or

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 3 Exceptions to Division 2

r. 16

- (c) from 1 January 2008, if the person is a continuing operator.
- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a person being employed in child-related employment specified in subregulation (3) —
 - (a) from 1 January 2008, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2007; or
 - (b) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2007.
- (3) Subregulations (1) and (2) apply in relation to child-related work referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service carried out by —
 - (a) a person who is, or is working for or under the supervision of, a training provider registered under the *Vocational Education and Training Act 1996*, or a corresponding law of another State or Territory; or
 - (b) a person who is employed by, or provides education services for, an education service provider within the meaning of the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.

16. When Act s. 22(6) and 24(a) apply to volunteers in child-related employment (Act s. 58(2) and 60(2))

- (1) For the purposes of section 58(2), sections 22(6) and 24(a) apply in relation to a continuing volunteer being employed in child-related employment —
 - (a) from 1 January 2007, if the person's employment involves carrying out duties in connection with any child who has not yet attained the age of 8 years; or
 - (b) from 1 January 2008, if the person's employment involves carrying out duties in connection with any child

- who has attained the age of 8 years but who has not yet attained the age of 13 years; or
- (c) from 1 January 2009, if the person's employment involves carrying out duties in connection with any child who has attained the age of 13 years but who has not yet attained the age of 18 years.
- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a new employee being employed on a voluntary basis in child-related employment —
- (a) from when the person starts to be so employed, if the person's employment involves carrying out duties in connection with any child who has not yet attained the age of 8 years; or
 - (b) if the person's employment involves carrying out duties in connection with any child who has attained the age of 8 years but who has not yet attained the age of 13 years —
 - (i) from 1 January 2008, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2007; or
 - (ii) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2007;
- or
- (c) if the person's employment involves carrying out duties in connection with any child who has attained the age of 13 years but who has not yet attained the age of 18 years —
 - (i) from 1 January 2009, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2008; or

- (ii) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2008.

17. When Act s. 22(6) and 24(a) apply to ministers of religion in child-related employment (Act s. 59(2))

For the purposes of section 59(2), sections 22(6) and 24(a) apply from 1 January 2007 in relation to a person being employed in child-related employment as a continuing minister of religion.

18. When Act s. 22(6) and 24 apply to holders of class F or T driver's licences in child-related businesses or employment (Act s. 57(1) and 60(2))

- (1) For the purposes of section 57(1), section 24(b) applies to a person who holds a driver's licence endorsed with extension F or T and who carries on a child-related business referred to in section 6(1)(a)(xvi) in connection with a transport service specifically for children —
 - (a) from 1 January 2008, if the person is a new operator who starts to carry on the business on or after 1 January 2006 but before 1 January 2007; or
 - (b) from when the person starts to carry on the business, if the person is a new operator who starts to carry on the business on or after 1 January 2007; or
 - (c) from 1 January 2008, if the person is a continuing operator.
- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a person who holds a driver's licence endorsed with extension F or T and who is being employed in child-related employment referred to in section 6(1)(a)(xvi) in connection with a transport service specifically for children —

- (a) from 1 January 2008, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2007; or
- (b) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2007; or
- (c) from 1 January 2011, if the person is a continuing employee.

- (3) In this regulation —

driver's licence endorsed with extension F or T means a driver's licence under the *Road Traffic (Authorisation to Drive) Act 2008* endorsed with extension F or T, or an equivalent authorisation to drive.

[Regulation 18 amended: Gazette 20 Jun 2008 p. 2707; 8 Jan 2015 p. 82.]

19. When Act s. 22(6) and 24(a) apply to people in child-related employment in various institutions etc. (Act s. 60(2))

- (1) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a new employee being employed in child-related employment specified in subregulations (3), (5) and (7) —
 - (a) from 1 January 2008, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2007; and
 - (b) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2007.
- (2) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (3) from 1 January 2011.

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 3 Exceptions to Division 2

r. 19

- (3) Subregulations (1) and (2) apply in relation to child-related employment —
- (a) referred to in section 6(1)(a)(ii) in connection with a community kindergarten registered under the *School Education Act 1999* Part 5; or
 - (b) referred to in section 6(1)(a)(iii) in connection with an educational institution for children; or
 - [(ba)-(e) *deleted*]
 - (f) referred to in section 6(1)(a)(xiii) in connection with a ward of a public or private hospital in which children are ordinarily patients.
- (4) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (5) from 1 January 2009.
- (5) Subregulations (1) and (4) apply in relation to child-related employment —
- (a) referred to in section 6(1)(a)(viii) in connection with a detention centre, as defined in the *Young Offenders Act 1994* section 3; or
 - (b) referred to in section 6(1)(a)(ix) in connection with a community child health service; or
 - (c) referred to in section 6(1)(a)(x) in connection with a counselling or other support service.
- (6) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a continuing employee being employed in child-related employment specified in subregulation (7) from 1 January 2010.
- (7) Subregulations (1) and (6) apply in relation to child-related employment referred to in section 6(1)(a)(vii) in connection with the performance by an officer, as defined in the *Children*

and *Community Services Act 2004* section 3, of a function given to the officer under that Act.

[Regulation 19 amended: *Gazette* 28 Feb 2006 p. 908;
7 Dec 2007 p. 5979.]

20. When Act s. 22(6) and 24(a) apply to people, appointed under various Acts, involved in child-related employment (Act s. 60(2))

- (1) For the purposes of section 60(2), sections 22(6) and 24(a) apply in relation to a person specified in subregulation (2) who is being employed in child-related employment —
 - (a) from 1 January 2008, if the person is a new employee who starts to be so employed on or after 1 January 2006 but before 1 January 2007; or
 - (b) from when the person starts to be so employed, if the person is a new employee who starts to be so employed on or after 1 January 2007; or
 - (c) from 1 January 2011, if the person is a continuing employee.
- (2) Subregulation (1) applies in relation to a person who is —
 - (a) an employee as defined in the *Public Sector Management Act 1994* section 3(1); or
 - (b) a member of staff as defined in the *Electricity Corporations Act 2005* section 3(1); or
 - (c) a member of staff within the meaning of the *Water Corporations Act 1995*¹; or
 - (d) a member of the Police Force of the State; or
 - (e) an employee of Gold Corporation, the Mint or GoldCorp, appointed under the *Gold Corporation Act 1987*.

[Regulation 20 amended: *Gazette* 8 Jan 2015 p. 82.]

21. When Act s. 22(4) and 24 apply to people involved in child care services (Act s. 57(1), 60(2) and 61)

- (1) For the purpose of section 57(1), section 24(b) applies to a person who starts to carry on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service on or after 1 January 2007, from when the person starts to carry on the business.
- (2) For the purpose of section 57(1), section 24(b) applies to a person who carries on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service before 1 January 2007 and who —
 - (a) immediately before the commencement of the *Children and Community Services Act 2004* section 250 was the holder of a licence or a permit issued under the *Community Services Act 1972* section 17B²; or
 - (b) holds a licence, or is a managerial officer in relation to a body corporate that holds a licence, under the *Children and Community Services Act 2004* Part 8,from the day that is on or after 1 January 2007 on which the term of the licence or permit expires.
- (2a) For the purpose of section 57(1), section 24(b) applies to a person who carries on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service of a type referred to in the *Children and Community Services Act 2004* section 198(1)(c) and who —
 - (a) carried on a service of that type immediately before the commencement of the *Children and Community Services Act 2004* section 250 but did not hold a licence or permit issued under the *Community Services Act 1972* section 17B² relating to the service; and

- (b) immediately before 1 January 2007 does not hold a licence issued under the *Children and Community Services Act 2004* Part 8 relating to the service,
- from the day that is on or after 1 January 2007 on which a licence relating to the service is issued to the person under that Part.
- (3) Sections 22(4) and 24(a) do not apply in relation to a person who is employed in child-related employment referred to in section 6(1)(a)(i) in connection with a child care service before 1 January 2007 until —
- (a) in the case of a person who has produced, or given, to a licensee or permit holder —
- (i) a current criminal record check for the person under the *Community Services (Child Care) Regulations 1988* regulation 37A(1)²; or
- (ii) a copy of a current criminal record check for the person under the *Community Services (Outside School Hours Care) Regulations 2002* regulation 42(1)²,
- the day that —
- (iii) is on or after 1 January 2007; and
- (iv) is 2 years after the day on which a check or copy was produced, or given, to the licensee or permit holder;
- or
- (b) in the case of a person who has before 1 January 2007 given a licensee a copy of a current criminal record check under the *Child Care Services (Child Care) Regulations 2006*³ regulation 28(1)⁴ or the *Children and Community Services (Outside School Hours Care) Regulations 2006* regulation 27(1)⁵, the day that —
- (i) is on or after 1 January 2007; and

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 3 Exceptions to Division 2

r. 21

- (ii) is 2 years after the day on which the copy was given to the licensee;
- or
- (c) in the case of a person who is the subject of a criminal record check provided by a licensee under the *Child Care Services (Child Care) Regulations 2006* regulation 11(3) or 12(3) or (4)³, the day that —
 - (i) is on or after 1 January 2007; and
 - (ii) is the day on which the term of the licence of the licensee expires;
- or
- (d) in the case of a person who —
 - (i) is the subject of a criminal record check provided by a licensee under the *Children and Community Services (Family Day Care) Regulations 2006* regulation 11(3)(a)⁶; or
 - (ii) is to be taken to have been appointed to act in place of the licensee with the approval of the CEO under the *Children and Community Services (Family Day Care) Regulations 2006* regulation 11(7)⁶,the day that —
 - (iii) is on or after 1 January 2007; and
 - (iv) is the day on which the term of the licence of the licensee expires;
- or
- (e) in the case of a person who is the subject of a criminal record check provided by a licensee under the *Children and Community Services (Outside School Hours Care) Regulations 2006* regulation 12(3) or 13(3) or (4)⁵, the day that —
 - (i) is on or after 1 January 2007; and

- (ii) is the day on which the term of the licence of the licensee expires;

or

- (f) in the case of a person who —

- (i) is the subject of a criminal record check provided by a licensee under the *Children and Community Services (Outside School Hours Family Day Care) Regulations 2006* regulation 12(3)(a)⁷; or
- (ii) is to be taken to have been appointed to act in place of the licensee with the approval of the CEO under the *Children and Community Services (Outside School Hours Family Day Care) Regulations 2006* regulation 12(7)⁷,

the day that is on or after 1 January 2007 on which the term of a licence of the licensee expires; or

- (g) in the case of a person who is employed by a person who carries on a child-related business referred to in section 6(1)(a)(i) in connection with a child care service of a type referred to in the *Children and Community Services Act 2004* section 198(1)(c) (the **employer**), if the employer —

- (i) carried on a service of that type immediately before the commencement of the *Children and Community Services Act 2004* section 250 but did not hold a licence or permit issued under the *Community Services Act 1972* section 17B² relating to the service; and
- (ii) immediately before 1 January 2007 does not hold a licence issued under the *Children and Community Services Act 2004* Part 8 relating to the service,

the day that is on or after 1 January 2007 on which a licence relating to the service is issued to the employer under that Part.

Working with Children (Screening) Regulations 2005

Part 3 Transitional arrangements

Division 3 Exceptions to Division 2

r. 22

- (4) Sections 22(4) and 24(a) do not apply in relation to a person who starts to be employed in child-related employment referred to in section 6(1)(a)(i) in connection with a child care service on or after 1 January 2007, until the person starts to be so employed.
- (5) Sections 22(4) and 24(a) do not apply in relation to a person who is employed in child-related employment referred to in section 6(1)(a)(i) in connection with a child care service before 1 January 2007 until, in the case of a person who has not been the subject of a criminal record check before 1 January 2007 under the *Community Services Act 1972*² or the *Children and Community Services Act 2004*, the day that is on or after 1 January 2009.

[Regulation 21 inserted: Gazette 28 Feb 2006 p. 908-10; amended: Gazette 1 Mar 2006 p. 940; 1 Dec 2006 p. 5298-300; 7 Dec 2007 p. 5979-80.]

22. When Act s. 22(6) and 24(b) apply to people involved in placement arrangements under *Children and Community Services Act 2004* (Act s. 57(1) and 60(2))

- (1) For the purpose of section 57(1), section 24(b) applies to a person who carries on a child-related business referred to in section 6(1)(a)(vi) in connection with a placement arrangement under the *Children and Community Services Act 2004* —
 - (a) from 1 January 2008, if the person starts to carry on the business before 1 January 2007; or
 - (b) from when the person starts to carry on the business, if the person starts to carry on the business on or after 1 January 2007.
- (2) For the purpose of section 60(2), sections 22(6) and 24(b) apply in relation to a person who is being employed in child-related employment referred to in section 6(1)(a)(vi) in connection with

Working with Children (Screening) Regulations 2005

Transitional arrangements

Part 3

Exceptions to Division 2

Division 3

r. 22

a placement arrangement under the *Children and Community Services Act 2004* —

- (a) from 1 January 2008, if the person starts to be employed in the employment before 1 January 2007; or
- (b) from when the person starts to be employed in the employment, if the person starts to be so employed on or after 1 January 2007.

[Regulation 22 inserted: Gazette 28 Feb 2006 p. 910-11.]

[23.] *Deleted: Gazette 30 Nov 2012 p. 5781.]*

Schedule 1 — Work which is not “child-related work”

[r. 4]

Division 1 — Voluntary work carried out by parents

1a. Child care services (Act s. 6(1)(a)(i))

Work —

- (a) referred to in section 6(1)(a)(i) in connection with a child care service; and
- (b) carried out on a voluntary basis by a parent of a child —
 - (i) to whom the service is being provided; or
 - (ii) who is enrolled for, or otherwise ordinarily is provided with, the service.

[Clause 1a inserted: Gazette 28 Feb 2006 p. 911.]

1. Community kindergartens and educational institutions (Act s. 6(1)(a)(ii) and (iii))

Work —

- (a) referred to in section 6(1)(a)(ii) or (iii) in connection with —
 - (i) a community kindergarten registered under the *School Education Act 1999* Part 5; or
 - (ii) an educational institution for children;and
- (b) carried out on a voluntary basis by a parent of a child who is enrolled at the kindergarten or educational institution.

2. Coaching or private tuition services (Act s. 6(1)(a)(iv))

Work —

- (a) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service; and
- (b) carried out on a voluntary basis by a parent of a child, to whom the service is being provided, in connection with an activity in which the child is participating, or ordinarily participates.

Working with Children (Screening) Regulations 2005

Work which is not "child-related work" **Schedule 1**

Voluntary work carried out by parents **Division 1**

cl. 2a

2a. Coaching or private tuition services in connection with clubs, associations or movements (Act s. 6(1)(a)(iv))

Work —

- (a) referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service; and
- (b) carried out in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children; and
- (c) carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement.

[Clause 2a inserted: Gazette 7 Dec 2007 p. 5980.]

3. Accommodation or care of children (Act s. 6(1)(a)(v))

Work —

- (a) referred to in section 6(1)(a)(v) in connection with an arrangement for the accommodation or care of children, whether in a residential facility or private residence; and
- (b) carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates.

4. Community child health services (Act s. 6(1)(a)(ix))

Work —

- (a) referred to in section 6(1)(a)(ix) in connection with a community child health service; and
- (b) carried out on a voluntary basis by a parent of a child, to whom the service is being provided, in connection with an activity in which the child is participating, or ordinarily participates.

Working with Children (Screening) Regulations 2005

Schedule 1 Work which is not “child-related work”

Division 1 Voluntary work carried out by parents

cl. 5

5. Counselling or other support services (Act s. 6(1)(a)(x))

Work —

- (a) referred to in section 6(1)(a)(x) in connection with a counselling or other support service; and
- (b) carried out on a voluntary basis by a parent of a child, to whom the service is being provided, in connection with an activity in which the child is participating, or ordinarily participates.

6. Religious organisations (Act s. 6(1)(a)(xi))

Work —

- (a) referred to in section 6(1)(a)(xi) in connection with a religious organisation; and
- (b) carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates.

7. Clubs, associations or movements (Act s. 6(1)(a)(xii))

Work —

- (a) referred to in section 6(1)(a)(xii) in connection with a club, association or movement (including of a cultural, recreational or sporting nature and whether incorporated or not) with a significant membership or involvement of children; and
- (b) carried out on a voluntary basis by a parent of a child who is involved, or is ordinarily involved in some, or all, of the activities of the club, association or movement.

8. Children in hospital (Act s. 6(1)(a)(xiii))

Work —

- (a) referred to in section 6(1)(a)(xiii) in connection with a ward of a public or private hospital in which children are ordinarily patients; and
- (b) carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating or ordinarily participates.

Working with Children (Screening) Regulations 2005

Work which is not "child-related work"

Schedule 1

Voluntary work carried out by parents

Division 1

cl. 8a

8a. Baby sitting or child minding service (Act s. 6(1)(a)(xiv))

Work —

- (a) referred to in section 6(1)(a)(xiv) in connection with a baby sitting or child minding service; and
- (b) carried out on a voluntary basis by a parent of a child, to whom the service is being provided, in connection with an activity in which the child is participating, or ordinarily participates.

[Clause 8a inserted: Gazette 1 Dec 2006 p. 5300.]

9. Transport services for children (Act s. 6(1)(a)(xvi))

Work —

- (a) referred to in section 6(1)(a)(xvi) in connection with a transport service specifically for children; and
- (b) carried out on a voluntary basis by a parent of a child who is a passenger on the transport service, or is ordinarily a passenger on the transport service.

10. School crossing services (Act s. 6(1)(a)(xvii))

Work —

- (a) referred to in section 6(1)(a)(xvii) in connection with a school crossing service, being a service provided to assist children to cross roads on their way to or from school; and
- (b) carried out on a voluntary basis by a parent of a child who is enrolled at the school.

11. Children's entertainment or party services (Act s. 6(1)(a)(xviii))

Work —

- (a) referred to in section 6(1)(a)(xviii) in connection with a children's entertainment or party service; and
- (b) carried out on a voluntary basis by a parent of a child in connection with an activity in which the child is participating, or ordinarily participates.

Working with Children (Screening) Regulations 2005

Schedule 1 Work which is not “child-related work”

Division 2 Other exempt work

cl. 12

Division 2 — Other exempt work

**12. Child-related work carried out by visitors to the State
(Act s. 6(1)(a))**

Work referred to in section 6(1)(a) carried out by a person —

- (a) who —
 - (i) is not ordinarily resident in the State; and
 - (ii) has not carried out exempt work under item 17 within the period of 12 months before this work is, or is proposed to be, carried out;
- and
- (b) during the period of 2 weeks after the person arrives in the State; and
- (c) that does not exceed, in total, a period of 2 weeks in any period of 12 months.

[Clause 12 amended: Gazette 31 Dec 2013 p. 6541.]

12a. Child-related work carried out by police officers (Act s. 6(1)(a)(i), (iii), (iv), (v), (viii), (x), (xii), (xv), (xvii) or (xviii))

Work referred to in section 6(1)(a)(i), (iii), (iv), (v), (viii), (x), (xii), (xv), (xvii) or (xviii) carried out by a person appointed under the *Police Act 1892* Part I to be a member of the Police Force of Western Australia in the course of performing his or her functions as such a member.

[Clause 12a inserted: Gazette 1 Dec 2006 p. 5300-1; amended: Gazette 7 Dec 2007 p. 5980.]

13. Child-related work carried out by student as part of educational or vocational course of study

Work referred to in section 6(1)(a) carried out without remuneration, as part of his or her educational or vocational course of study, by a student who is a child.

[Clause 13 inserted: Gazette 1 Jul 2011 p. 2714.]

Working with Children (Screening) Regulations 2005

Work which is not "child-related work"

Schedule 1

Other exempt work

Division 2

cl. 14

14. Coaching or private tuition services provided to certain groups (Act s. 6(1)(a)(iv))

Work referred to in section 6(1)(a)(iv) in connection with a coaching or private tuition service provided to a class of 2 or more persons, unless that class is provided primarily for children.

[Clause 14 amended: Gazette 31 Dec 2013 p. 6541.]

15. Accommodation or care of children in residence for tertiary education (Act s. 6(1)(a)(v))

Work referred to in section 6(1)(a)(v) in connection with an arrangement for the accommodation or care of children in a residential facility connected to, or used predominantly by students of, a university or other institution of tertiary education.

16. Children's entertainment or party services (Act s. 6(1)(a)(xviii))

Work referred to in section 6(1)(a)(xviii) in connection with a children's entertainment or party service —

- (a) that is a performance open to the general public not involving physical contact with children, whether on the payment of a fee or otherwise; or
- (b) that provides equipment, food or a venue, and no other children's entertainment or party service.

17. National events and national tours (Act s. 6(1)(a)(iii), (iv), (v), (x), (xi), (xii), (xiv), (xv), (xvi), (xvii) or (xviii))

Work referred to in section 6(1)(a)(iii), (iv), (v), (x), (xi), (xii), (xiv), (xv), (xvi), (xvii) or (xviii) carried out in connection with a national event or a national tour by a person —

- (a) who —
 - (i) is not ordinarily resident in the State; and
 - (ii) has not carried out exempt work under this clause or clause 12 within the period of 12 months before this work is, or is proposed to be, carried out;

and

Working with Children (Screening) Regulations 2005

Schedule 1 Work which is not “child-related work”

Division 2 Other exempt work

cl. 17

- (b) during one period that does not exceed 30 days in any period of 12 months.

[Clause 17 inserted: Gazette 31 Dec 2013 p. 6541.]

Working with Children (Screening) Regulations 2005
Offences under provisions of other jurisdictions prescribed **Schedule 2A**
as

Schedule 2A—Offences under provisions of other jurisdictions prescribed as 2—Class 1 offences

[r. ~~5A~~ 5(1)]

[Heading inserted: ~~Gazette 5 Oct 2010 p. 5114~~ SL 2023/101 r. 9.]

Provision	Description of offence	Condition
and jurisdiction on		
Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> Schedule (Commonwealth)		
s. 71.2(1)	<u>Murder of a UN or associated person</u>	<u>The victim is a child</u>
s. 71.4(1)	<u>Intentionally causing serious harm to a UN or associated person</u>	<u>The victim is a child</u>
s. 71.8(1)	<u>Unlawful sexual penetration of a UN or associated person</u>	<u>The victim is a child and regulation 5(3) does not apply to the offence</u>
s. 272.871 9(1)	<u>Kidnapping a UN or associated person</u>	Engaging in sexual intercourse with <u>The victim is a child outside Australia (if the child against whom and the offence is committed is under 13) by a person other than a relative of the child</u>
s. 72.3(1)	<u>Intentionally deliver, place, discharge or detonate a device</u>	<u>The victim, or intended victim, is a child</u>
s. 101.1(1)	<u>Terrorist acts</u>	<u>The offence causes serious physical harm to a child or causes a child's death</u>

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Working with Children (Screening) Regulations 2005

2

Class 1 offences

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	The victim is a child
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is a child
s. 268.3	Genocide by killing	At least 1 of the victims is a child
s. 268.4(1)	Genocide by causing serious bodily or mental harm	At least 1 of the victims is a child
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	At least 1 of the victims is a child
s. 268.6	Genocide by imposing measures intended to prevent births	At least 1 of the victims is a child
s. 268.7(1)	Genocide by forcibly transferring children	
s. 268.8	Crime against humanity — murder	At least 1 of the victims is a child
s. 268.9(1)	Crime against humanity — extermination	At least 1 of the victims is a child
s. 268.13	Crime against humanity — torture	At least 1 of the victims is a child
s. 268.14(1) or (2)	Crime against humanity — rape	The victim is a child
s. 268.15(1)	Crime against humanity — sexual slavery	The victim is a child
s. 268.16(1)	Crime against humanity — enforced prostitution	At least 1 of the victims is a child

Inserted Cells

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 268.17(1)	Crime against humanity — forced pregnancy	At least 1 of the victims is a child
s. 268.18(1)	Crime against humanity — enforced sterilisation	At least 1 of the victims is a child
s. 268.19(1)	Crime against humanity — sexual violence	At least 1 of the victims is a child
s. 268.23	Crime against humanity — other inhumane act	At least 1 of the victims is a child
s. 268.24(1)	War crime — wilful killing	At least 1 of the victims is a child
s. 268.25(1)	War crime — torture	At least 1 of the victims is a child
s. 268.47(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.47(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.48(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.48(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.49(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.55	War crime — employing poison or poisoned weapons	At least 1 of the victims is a child
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	At least 1 of the victims is a child
s. 268.59(1) or (2)	War crime — rape	The victim is a child

Inserted Cells

Working with Children (Screening) Regulations 2005

2

Class 1 offences

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 268.60(1)	War crime — sexual slavery	The victim is a child
s. 268.61(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.62(1)	War crime — forced pregnancy	At least 1 of the victims is a child
s. 268.63(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.64(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.70(1)	War crime — murder	At least 1 of the victims is a child
s. 268.71(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.71(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.73(1)	War crime — torture	At least 1 of the victims is a child
s. 268.76(2)	War crime — execution without due process	At least 1 of the victims is a child
s. 268.82(1) or (2)	War crime — rape	The victim is a child
s. 268.83(1)	War crime — sexual slavery	The victim is a child
s. 268.84(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.85(1)	War crime — forced pregnancy	At least 1 of the victims is a child

Inserted Cells

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 268.86(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.87(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.90(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.92(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	At least 1 of the victims is a child
s. 271.4(1) or (2)	Trafficking in children	
s. 271.7	Domestic trafficking in children	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is a child
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is a child
s. 271.7D	Domestic organ trafficking	The victim is a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) does not apply to the offence

Inserted Cells

Working with Children (Screening) Regulations 2005

2

Class 1 offences

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of accused person offender outside Australia (if the child against whom the offence is committed is under 13)	<u>Regulation 5(3) does not apply to the offence</u>
<u>s. 272.9(1) or (2)</u>	<u>Sexual activity (other than sexual intercourse) with child outside Australia</u>	<u>Regulation 5(3) does not apply to the offence</u>
<u>s. 272.10(1)</u>	<u>Aggravated offence — sexual intercourse or other sexual activity with child outside Australia</u>	
<u>s. 272.11(1)</u>	<u>Persistent sexual abuse of child outside Australia</u>	<u>Regulation 5(3) does not apply to the offence</u>
<u>s. 272.12(1) or (2)</u>	<u>Sexual intercourse with young person outside Australia — offender in position of trust or authority</u>	
<u>s. 272.13(1) or (2)</u>	<u>Sexual activity (other than sexual intercourse) with young person outside Australia — offender in position of trust or authority</u>	
<u>s. 272.14(1)</u>	<u>Procuring child to engage in sexual activity outside Australia</u>	<u>Regulation 5(3) does not apply to the offence</u>
<u>s. 272.15(1)</u>	<u>“Grooming” child to engage in sexual activity outside Australia</u>	
<u>s. 272.15 A(1)</u>	<u>“Grooming” person to make it easier to engage in sexual activity with a child outside Australia</u>	
<u>s. 272.18(1)</u>	<u>Benefiting from offence against Division 272</u>	

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Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 272.19(1)	Encouraging offence against Division 272	
s. 272.20(1) or (2)	Preparing for or planning offence against Division 272	
s. 273.5 (repealed)	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia	
s. 273.6(1)	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	
s. 273.7(1)	Aggravated offence — offence against s. 273.6 involving conduct on 3 or more occasions and 2 or more people	
s. 273A.1	Possession of child-like sex dolls etc	
s. 274.2(1) or (2)	Torture	The victim is a child
s. 471.16(1) or (2) (repealed)	Using a postal or similar service for child pornography material	
s. 471.17 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service	
s. 471.19(1) or (2)	Using a postal or similar service for child abuse material	
s. 471.20(1)	Possessing, controlling, producing, supplying or obtaining child abuse	

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Working with Children (Screening) Regulations 2005

2

Class 1 offences

Provision and jurisdiction	Description of offence	<u>Condition</u>
	material for use through a postal or similar service	
s. 471.22(1)	Aggravated offence — offence against s. 471.19 or 471.20 involving conduct on 3 or more occasions and 2 or more people	
s. 471.24(1), (2) or (3)	Using a postal or similar service to procure children under 16	
s. 471.25(1), (2) or (3)	Using a postal or similar service to “groom” children under 16	
s. 471.25 A(1), (2) or (3)	Using a postal or similar service to “groom” another person to make it easier to procure children under 16	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) does not apply to the offence
s. 474.19 (repealed)	Using a carriage service for child pornography material	
s. 474.20 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service	
s. 474.22(1)	Using a carriage service for child abuse material	
s. 474.22 A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	Regulation 5(3) does not apply to the offence
s. 474.23(1)	Possessing, controlling, producing, supplying or obtaining child abuse	

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Working with Children (Screening) Regulations 2005

Class 1 offences

2

Provision and jurisdiction	Description of offence	<u>Condition</u>
	material for use through a carriage service	
s. 474.23 A(1)	Conduct for the purposes of electronic service used for child abuse material	
s. 474.24 A(1)	Aggravated offence — offence against s. 474.22, 474.22A or 474.23 involving conduct on 3 or more occasions and 2 or more people	
s. 474.25 A(1)	Engaging in sexual activity with child under 16 using a carriage service	Regulation 5(3) does not apply to the offence
s. 474.25 A(2)	Causing child under 16 to engage in sexual activity using a carriage service	
s. 474.25B (1)	Aggravated offence — using a carriage service for sexual activity with child under 16	
s. 474.25C	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, children under 16	
s. 474.26(1), (2) or (3)	Using a carriage service to procure children under 16	
s. 474.27(1), (2) or (3)	Using a carriage service to “groom” children under 16	

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Working with Children (Screening) Regulations 2005

2

Class 1 offences

Provision and jurisdiction	Description of offence	<u>Condition</u>
s. 474.27 AA(1), (2) or (3)	Using a carriage service to “groom” another person to make it easier to procure children under 16	
s. 474.27 A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) does not apply to the offence
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) does not apply to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) does not apply to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) does not apply to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) does not apply to the offence
s. 50DA (repealed)	Benefiting from offence against Part IIIA	
s. 50DB (repealed)	Encouraging offence against Part IIIA	
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is a child
s. 8(1)	Kidnapping of an internationally protected person	The victim is a child and the offence is committed by a person other than a relative of the child

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Working with Children (Screening) Regulations 2005

Class 1 offences

2

Provision	Description of offence	Condition
and jurisdiction on		
<u>Offences under the Customs Act 1901 (Commonwealth)</u>		
<u>s. 233BA</u>	<u>Special offence relating to tier 2</u>	<u>The offence involves</u>
<u>B(5) or (6)</u>	<u>goods</u>	<u>goods that are items of</u>
		<u>child pornography or</u>
		<u>child abuse material</u>
<i>[Schedule 2A2 inserted: Gazette 5 Oct 2010 p. 5114 15SL 2023/101</i>		
<i><u>r. 9.</u>]</i>		

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**Schedule 2 — Offences under laws of other jurisdictions
prescribed as 3 — Class 2 offences**

[r. ~~5~~ (2)]

[Heading inserted: ~~Gazette 5 Oct 2010 p. 5115~~ SL 2023/101 r. 9.]

Provision s and jurisdicti on	Description of offence	<u>Condition</u>
<u>Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> Schedule (Commonwealth)</u>		
s. 271.471 <u>.2(1)</u>	Trafficking in children Murder of a UN or associated person	<u>The victim is not a child</u>
s. 271.771 <u>.3(1)</u>	Domestic trafficking in children Manslaughter of a UN or associated person	
s. 272.871 <u>.4(1)</u>	<u>Intentionally causing serious harm to a UN or associated person</u>	Engaging in sexual intercourse with child outside Australia (if the child against whom the offence is committed is 13 or over) <u>The victim is not a child</u>
s. 272.8(2) <u>71.5(1)</u>	Causing child to engage in sexual intercourse in presence of accused person outside Australia (if the child against whom the offence is committed is 13 or over) <u>Recklessly causing serious harm to a UN or associated person</u>	

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Provision s and jurisdiction on Provision on	Description of offence	<u>Condition</u>
s. 272.9 ⁷¹ <u>8(1)</u>	<u>Unlawful sexual penetration of a UN or associated person</u>	Engaging in sexual activity with child outside Australia <u>The victim is not a child, or the victim is a child and regulation 5(3) applies to the offence</u>
s. 272.7 ¹ <u>9(2)</u>	<u>Kidnapping a UN or associated person</u>	Causing child to engage in sexual activity in presence of accused person outside Australia <u>The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child</u>
s. 272.10 ⁷ <u>2.3(1)</u>	<u>Intentionally deliver, place, discharge or detonate a device</u>	Aggravated offence — child with mental impairment or under care, supervision or authority of accused person <u>The victim, or intended victim, is not a child</u>
s. 272.11 ⁷ <u>3.1(1)</u>	Persistent sexual abuse of child outside Australia <u>People smuggling</u>	
s. 272.12 ⁷ <u>3.2(1)</u>	Engaging in sexual intercourse with young person outside Australia — accused person in position of trust or authority <u>Aggravated offence of people smuggling (danger of death or serious harm)</u>	

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s and jurisdiction on	Description of offence	<u>Condition</u>
s. 272.12 <u>273.3(1)</u>	Causing young person to engage in sexual intercourse in presence of accused person outside Australia— accused person in position of trust or authority <u>Aggravated offence of people smuggling (at least 5 people)</u>	
s. 272.13 <u>3.3A(1)</u>	Engaging in sexual activity with young person outside Australia— accused person in position of trust or authority <u>Supporting the offence of people smuggling</u>	
s. 272.13 <u>0.1(1) or</u> (2)	Causing young person to engage in sexual activity in presence of accused person outside Australia— accused person in position of trust or authority <u>Treason</u>	
s. 272.14 <u>01.1(1)</u>	<u>Terrorist acts</u>	Procuring child to engage in sexual activity outside Australia <u>None of the victims is a child, or a victim is a child but the offence does not cause serious physical harm to the child or cause the child's death</u>
s. 272.15 <u>15.1(1)</u>	"Grooming" child to engage in sexual activity outside <u>Murder of an Australian citizen or a resident of Australia</u>	<u>The victim is not a child</u>

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Provision s and jurisdiction on Provision on	Description of offence	<u>Condition</u>
s. 272.15 <u>A115.2(1)</u>	"Grooming" person to make it easier to engage in sexual activity with a child outside Australia <u>Manslaughter of an Australian citizen or a resident of Australia</u>	
s. 272.18 <u>15.3(1)</u>	Benefiting from offence against Division 272 <u>Intentionally causing serious harm to an Australian citizen or a resident of Australia</u>	<u>The victim is not a child</u>
s. 272.19 <u>15.4(1)</u>	Encouraging offence against Division 272 <u>Recklessly causing serious harm to an Australian citizen or a resident of Australia</u>	
s. 272.20 <u>4)268.3</u>	<u>Genocide by killing</u>	Preparing for or planning offence involving sexual intercourse or other sexual activity with child <u>None of the victims is a child</u>
s. 272.20 <u>2268.4(1)</u>	Preparing for or planning offence involving sexual intercourse or other sexual activity with young person <u>Genocide by causing serious bodily or mental harm</u>	<u>None of the victims is a child</u>
s. 273 <u>268.</u> <u>5(1)</u>	<u>Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction</u>	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia <u>None of the victims is a child</u>

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s and jurisdicti on	Description of offence	Condition
s. 273.7 6	Genocide by imposing measures intended to prevent births	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia <u>None of the victims is a child</u>
s. 273.7 8.8	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people <u>Crime against humanity — murder</u>	<u>None of the victims is a child</u>
s. 273A.2 68.9(1)	<u>Crime against humanity — extermination</u>	Possession of child-like sex doll or other child-like object intended to be used to simulate sexual intercourse <u>None of the victims is a child</u>
s. 309.2 8.10(1)	Supplying controlled drug to child <u>Crime against humanity — enslavement</u>	
s. 309.3 8.11(1)	Supplying marketable quantity of controlled drug to child for trafficking <u>Crime against humanity — deportation or forcible transfer of population</u>	
s. 309.4 8.12(1)	Supplying controlled drug to child for trafficking <u>Crime against humanity — imprisonment or other severe deprivation of physical liberty</u>	

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Provision s and jurisdiction on Provisi on	Description of offence	<u>Condition</u>
s. 309.7 <u>26</u> <u>8.13</u>	<u>Crime against humanity — torture</u>	Procuring child for trafficking marketable quantity of controlled drug <u>None of the victims is a child</u>
s. 309.8 <u>26</u> <u>8.14(1)</u> <u>or (2)</u>	<u>Crime against humanity — rape</u>	Procuring child for trafficking controlled drug <u>The victim is not a child</u>
s. 309.10 <u>2</u> <u>68.15(1)</u>	<u>Crime against humanity — sexual slavery</u>	Procuring child for pre-trafficking marketable quantity of controlled precursor <u>The victim is not a child</u>
s. 309.11 <u>2</u> <u>68.16(1)</u>	<u>Crime against humanity — enforced prostitution</u>	Procuring child for pre-trafficking controlled precursor <u>None of the victims is a child</u>
s. 309.12 <u>2</u> <u>68.17(1)</u>	<u>Crime against humanity — forced pregnancy</u>	Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant <u>None of the victims is a child</u>
s. 309.13 <u>2</u> <u>68.18(1)</u>	<u>Crime against humanity — enforced sterilisation</u>	Procuring child for importing or exporting border controlled drug or border controlled plant <u>None of the victims is a child</u>

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s and jurisdiction on Provision on	Description of offence	Condition
s. 309.142 <u>68.19(1)</u>	<u>Crime against humanity — sexual violence</u>	Procuring child for importing or exporting marketable quantity of border controlled precursor <u>None of the victims is a child</u>
s. 309.152 <u>68.20(1)</u>	Procuring child for importing or exporting border controlled precursor <u>Crime against humanity — persecution</u>	
s. 310.268 <u>.21(1)</u> or <u>(2)</u>	Creating danger to child under 14 from exposure to unlawful manufacturing <u>Crime against humanity — enforced disappearance of persons</u>	
s. 310.326 <u>8.22</u>	Causing harm to child under 14 from exposure to unlawful manufacturing <u>Crime against humanity — apartheid</u>	
s. 310.426 <u>8.23</u>	Aggravated offences — manufacturing controlled drugs and controlled precursors <u>Crime against humanity — other inhumane act</u>	<u>None of the victims is a child</u>
s. 471.162 <u>68.24(1)</u>	<u>War crime — wilful killing</u>	Causing child pornography material to be carried by a postal or similar service <u>None of the victims is a child</u>

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Provision s and jurisdiction on	Description of offence	Condition
s. 471.16(2268.25(1))	War crime — torture	Requesting person to cause child pornography material to be carried by a postal or similar service <u>None of the victims is a child</u>
s. 471.17(68.26(1))	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service <u>War crime — inhumane treatment</u>	
s. 471.19(68.27(1))	Causing child abuse material to be carried by a postal or similar service <u>War crime — biological experiments</u>	
s. 471.19(2268.28(1))	Requesting person to cause child abuse material to be carried by a postal or similar service <u>War crime — wilfully causing great suffering</u>	
s. 471.20(68.38(1))	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service <u>War crime — excessive incidental death or injury</u>	
s. 471.22(68.40(1))	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people <u>War crime — killing a person who is hors de combat</u>	

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Working with Children (Screening) Regulations 2005

3 Class 2 offences

Provision s and jurisdiction on	Description of offence	Condition
s. 471.24 <u>68.47(1)</u>	<u>War crime — mutilation causing death</u>	Using a postal or similar service to procure child under 16 to engage in sexual activity <u>None of the victims is a child</u>
s. 471.25 <u>68.47(2)</u>	<u>War crime — mutilation</u>	Using <u>None of the victims is a postal or similar service to “groom” child under 16</u>
s. 471.25 <u>A268.48(1)</u>	Using a postal or similar service to “groom” another person to make it easier to procure persons under 16 <u>War crime — medical or scientific experiment causing death</u>	<u>None of the victims is a child</u>
s. 471.26 <u>68.48(2)</u>	<u>War crime — medical or scientific experiments</u>	Using a postal or similar service to send indecent material to child under 16 <u>None of the victims is a child</u>
s. 474.22 <u>A268.49(1)</u>	<u>War crime — treacherously killing</u>	Possessing or controlling child abuse material obtained or accessed using a carriage service <u>None of the victims is a child</u>
s. 474.23 <u>A268.55</u>	<u>War crime — employing poison or poisoned weapons</u>	Conduct for the purposes of electronic service used for child abuse material <u>None of the victims is a child</u>

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Provision s and jurisdiction on Provisi on	Description of offence	Condition
s. 474.24 A268.56	Aggravated offence — offence involving conduct on 3 or more occasions and 2 or more people <u>War crime — employing prohibited gases, liquids, materials or devices</u>	<u>None of the victims is a child</u>
s. 474.25 A268.59 (1)) or (2)	<u>War crime — rape</u>	Engaging in sexual activity with child under 16 using a carriage service <u>The victim is not a child</u>
s. 474.25 A(2)268.60 (1)	Causing child under 16 to engage in sexual activity with another person using a carriage service <u>War crime — sexual slavery</u>	<u>The victim is not a child</u>
s. 474.25B 268.61 (1)	<u>War crime — enforced prostitution</u>	Aggravated offence — child with mental impairment or under care, supervision or authority of accused person <u>None of the victims is a child</u>
s. 474.25C 268.62 (1)	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16 <u>War crime — forced pregnancy</u>	<u>None of the victims is a child</u>
s. 474.27 AA268.63 (1)	Using a carriage service to “groom” another person to make it easier to procure persons under 16 <u>War crime — enforced sterilisation</u>	<u>None of the victims is a child</u>

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s and jurisdiction on Provision on	Description of offence	Condition
s. 474.27 A 268.64(1)	<u>War crime — sexual violence</u>	Using a carriage service to transmit indecent communication to child under 16 <u>None of the victims is a child</u>
s. 268.70(1)	<u>War crime — murder</u>	<u>None of the victims is a child</u>
s. 268.71(1)	<u>War crime — mutilation causing death</u>	<u>None of the victims is a child</u>
s. 268.71(2)	<u>War crime — mutilation</u>	<u>None of the victims is a child</u>
s. 268.73(1)	<u>War crime — torture</u>	<u>None of the victims is a child</u>
s. 268.76(2)	<u>War crime — execution without due process</u>	<u>None of the victims is a child</u>
s. 268.82(1) or (2)	<u>War crime — rape</u>	<u>The victim is not a child</u>
s. 268.83(1)	<u>War crime — sexual slavery</u>	<u>The victim is not a child</u>
s. 268.84(1)	<u>War crime — enforced prostitution</u>	<u>None of the victims is a child</u>
s. 268.85(1)	<u>War crime — forced pregnancy</u>	<u>None of the victims is a child</u>
s. 268.86(1)	<u>War crime — enforced sterilisation</u>	<u>None of the victims is a child</u>
s. 268.87(1)	<u>War crime — sexual violence</u>	<u>None of the victims is a child</u>

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Provision s-and jurisdicti on	Description of offence	<u>Condition</u>
s. 268.90(1)	War crime — treacherously killing	None of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.92(2)	War crime — mutilation	None of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	None of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	None of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	None of the victims is a child
s. 268.100	War crime — apartheid	
s. 270.3(1) or (2)	Slavery	
s. 270.5(1)	Causing a person to enter into or remain in servitude	
s. 270.5(2)	Conducting a business involving servitude	
s. 270.6A(1)	Causing a person to enter into or remain in forced labour	
s. 270.6A(2)	Conducting a business involving forced labour	
s. 270.7	Deceptive recruiting for labour or services	
s. 270.7B(1) or (2)	Forced marriage	

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s-and jurisdicti on	Description of offence	<u>Condition</u>
s. 270.7C	Debt bondage	
s. 271.2(1) (1A) (1B) (1C), (2) (2A), (2B) or (2C)	Trafficking in persons	
s. 271.3(1)	Trafficking in persons — aggravated offence	
s. 271.5(1) (2), (2A) or (2B)	Domestic trafficking in persons	
s. 271.6(1)	Domestic trafficking in persons — aggravated offence	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is not a child
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is not a child
s. 271.7D	Domestic organ trafficking	The victim is not a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is not a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) applies to the offence
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of offender outside Australia	Regulation 5(3) applies to the offence
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	Regulation 5(3) applies to the offence

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Provision s-and jurisdicti on	Description of offence	<u>Condition</u>
s. 272.11(1)	Persistent sexual abuse of child outside Australia	Regulation 5(3) applies to the offence
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	Regulation 5(3) applies to the offence
s. 273B.4(1)	Failing to protect child at risk of child sexual abuse	
s. 274.2(1) or (2)	Torture	The victim is not a child
s. 309.2(1)	Supplying controlled drug to child	
s. 309.3(1)	Supplying marketable quantity of controlled drug to child for trafficking	
s. 309.4(1)	Supplying controlled drug to child for trafficking	
s. 309.7(1)	Procuring child for trafficking marketable quantity of controlled drug	
s. 309.8(1)	Procuring child for trafficking controlled drug	
s. 309.10(1)	Procuring child for pre-trafficking marketable quantity of controlled precursor	
s. 309.11(1)	Procuring child for pre-trafficking controlled precursor	
s. 309.12(1)	Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant	

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Working with Children (Screening) Regulations 2005

3

Class 2 offences

Provision s-and jurisdicti on	Description of offence	<u>Condition</u>
s. 309.13(1)	Procuring child for importing or exporting border controlled drug or border controlled plant	
s. 309.14(1)	Procuring child for importing or exporting marketable quantity of border controlled precursor	
s. 309.15(1)	Procuring child for importing or exporting border controlled precursor	
s. 310.2(1)	Causing danger to child under 14 from exposure to unlawful manufacturing	
s. 310.3(1)	Causing harm to child under 14 from exposure to unlawful manufacturing	
s. 310.4(2) and (3)	Aggravated offences — manufacturing controlled drugs and controlled precursors	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) applies to the offence
s. 474.17 A(1) or (4)	Aggravated offences involving private sexual material — using a carriage service to menace, harass or cause offence	At least 1 of the victims is a child
s. 474.22 A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	Regulation 5(3) applies to the offence

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Provision s-and jurisdicti on	Description of offence	<u>Condition</u>
s. 474.25 A(1)	Engaging in sexual activity with child under 16 using a carriage service	Regulation 5(3) applies to the offence
s. 474.27 A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) applies to the offence
s. 474.29 A(1) or (2)	Using a carriage service for suicide related material	
s. 474.29B (1)	Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service	
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) applies to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) applies to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) applies to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) applies to the offence
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is not a child

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Working with Children (Screening) Regulations 2005

3 Class 2 offences

Provision s and jurisdiction on <u>Provision</u> on	Description of offence	<u>Condition</u>
<u>s. 8(1)</u>	<u>Kidnapping of an internationally protected person</u>	<u>The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child</u>
<u>s. 8(2)(a) or (b)</u>	<u>Attacking an internationally protected person</u>	

[Schedule ~~23~~ inserted: *Gazette 5 Oct 2010 p. 5115-18; amended: Gazette 3 Oct 2017 p. 5036; SL 2021/112023/101 r. 49.*]

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Schedule ~~3~~ 4 Fees

[r. 8]

[Heading amended: SL 2023/101 r. 10.]

1. Application for assessment notice (child-related employment) (s. 9(2)(c)) —
 - (a) where the applicant is, or is to be, remunerated for carrying out the child-related work \$87.00
 - (b) otherwise \$11.00
2. Application for assessment notice (child-related business) (s. 10(2)(c)) \$87.00
3. Application for cancellation of a negative notice (s. 19(5)(c)) \$87.00
4. Application for replacement assessment notice (r. 8(3) and (4)) \$11.00

[Schedule 4 (formerly Schedule 3) amended: Gazette 1 Jul 2011 p. 2714; 29 Jun 2012 p. 2930; 28 Jun 2013 p. 2748; 27 Jun 2014 p. 2312; 26 Jun 2015 p. 2237-8; 24 Jun 2016 p. 2294; 23 Jun 2017 p. 3175; 22 Jun 2018 p. 2178; 28 Jun 2019 p. ~~2479~~2479; renumbered as Schedule 4: SL 2023/101 r. 10.]

Schedule 5 — Entry warrant

[r. 7D]

[Heading inserted: SL 2023/101 r. 11.]

<u>Working with Children (Screening) Act 2004</u>			
<u>Entry warrant</u>			
<u>To</u>	All authorised officers under the <i>Working with Children (Screening) Act 2004</i> .		
<u>Application</u>	The applicant has applied under the <i>Working with Children (Screening) Act 2004</i> s. 34V to me, a magistrate, for a warrant authorising the entry of a place for an authorised purpose.		
<u>Applicant's details</u>	Full name and office title		
<u>Authorised purpose for which entry is required</u>			
<u>Suspected contravention(s) of Act (if applicable)</u>	Provision(s)		
<u>Warrant</u>	This warrant authorises the place described below to be entered.		
<u>Place to be entered</u>			
<u>Execution period</u>	This warrant must be executed within _____ day(s) after the date it is issued.		
<u>Issuing details</u>	Name of magistrate		
	Date	Time	

Working with Children (Screening) Regulations 2005

Entry warrant **Schedule 5**

<u>Magistrate's signature</u>	<u>Issued by me on the above date and at the above time.</u>	
	<u>Magistrate</u>	
<u>Execution details</u>	<u>Start</u>	<u>Date:</u> <u>Time:</u>
	<u>End</u>	<u>Date:</u> <u>Time:</u>
	<u>Occupier present? Yes/No</u>	
	<u>Entry audiovisually recorded? Yes/No</u>	
<u>Authorised officer(s) executing this warrant</u>	<u>Name</u>	

[Schedule 5 inserted: SL 2023/101 r. 11.]

Working with Children (Screening) Regulations 2005

Notes Compilation table

Notes

This is a compilation of the *Working with Children (Criminal Record Checking) Regulations 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Working with Children (Criminal Record Checking) Regulations 2005</i> ⁸	21 Dec 2005 p. 6189-214	1 Jan 2006 (see r. 2 and <i>Gazette</i> 30 Dec 2005 p. 6875)
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2006</i>	28 Feb 2006 p. 907-12	1 Mar 2006 (see r. 2 and <i>Gazette</i> 14 Feb 2006 p. 695)
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2006</i>	1 Mar 2006 p. 940	2 Mar 2006 (see r. 2)
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2006</i>	1 Dec 2006 p. 5297-301	1 Dec 2006
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 4) 2006</i>	29 Dec 2006 p. 5876-8	1 Jan 2007 (see r. 2)
Reprint 1: The Working with Children (Criminal Record Checking) Regulations 2005 as at 20 Jul 2007 (includes amendments listed above)		
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2007</i>	7 Dec 2007 p. 5977-80	r. 1 and 2: 7 Dec 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2007 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment (Road Traffic) Regulations 2008</i>	20 Jun 2008 p. 2706-7	r. 1 and 2: 20 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and <i>Gazette</i> 10 Jun 2008 p. 2471)
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2010</i>	5 Oct 2010 p. 5113-18	r. 1, 2 and 3: 5 Oct 2010 (see r. 2(a)); r. 5: 6 Oct 2010 (see r. 2(b) and <i>Gazette</i> 5 Oct 2010 p. 5113); Regulations other than r. 1, 2, 3 and 5: 6 Oct 2010 (see r. 2(c))
Reprint 2: The Working with Children (Criminal Record Checking) Regulations 2005 as at 14 Jan 2011 (includes amendments listed above)		

Working with Children (Screening) Regulations 2005

Compilation table

Notes

Citation	Published	Commencement
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2011</i>	1 Jul 2011 p. 2713-14	r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2012</i>	29 Jun 2012 p. 2929-30	r. 1 and 2: 29 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2012</i>	30 Nov 2012 p. 5780-1	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Dec 2012 (see r. 2(b) and <i>Gazette</i> 16 Nov 2012 p. 5637)
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2013</i>	28 Jun 2013 p. 2747-8	r. 1 and 2: 28 Jun 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2013 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2013</i>	31 Dec 2013 p. 6540-1	r. 1 and 2: 31 Dec 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2014 (see r. 2(b))
Reprint 3: The Working with Children (Criminal Record Checking) Regulations 2005 as at 14 Mar 2014 (includes amendments listed above)		
<i>Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2014</i>	27 Jun 2014 p. 2312	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2014</i>	8 Jan 2015 p. 81-2	r. 1 and 2: 8 Jan 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2015</i>	26 Jun 2015 p. 2237-8	r. 1 and 2: 26 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
<i>Child Protection Regulations Amendment Regulations 2016 Pt. 4</i>	24 Jun 2016 p. 2292-4	1 Jul 2016 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2016</i>	24 Jun 2016 p. 2294-5	r. 1 and 2: 24 Jun 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2016 (see r. 2(b))

Working with Children (Screening) Regulations 2005

Notes Other notes

Citation	Published	Commencement
<i>Child Protection Regulations Amendment (Fees and Payments) Regulations 2017</i> Pt. 4	23 Jun 2017 p. 3174-5	1 Jul 2017 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2017</i>	3 Oct 2017 p. 5036	r. 1 and 2: 3 Oct 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Oct 2017 (see r. 2(b))
Reprint 4: The Working with Children (Criminal Record Checking) Regulations 2005 as at 19 Jan 2018 (includes amendments listed above)		
<i>Child Protection Regulations Amendment (Fees) Regulations 2018</i> Pt. 3	22 Jun 2018 p. 2177-8	1 Jul 2018 (see r. 2(b))
<i>Child Protection Regulations Amendment (Fees and Payments) Regulations 2019</i> Pt. 4	28 Jun 2019 p. 2477-9	1 Jul 2019 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2021</i>	SL 2021/11 29 Jan 2021	r. 1 and 2: 29 Jan 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jan 2021 (see r. 2(b))
<i>Working with Children (Criminal Record Checking) Amendment Regulations 2023</i>	SL 2023/101 30 Jun 2023	r. 1 and 2: 30 Jun 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2023 (see r. 2(b))

Other notes

- ¹ Formerly referred to the *Water Corporation Act 1995*, the short title of which was changed to the *Water Corporations Act 1995* by the *Water Services Legislation Amendment and Repeal Act 2012* s. 112. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ² The *Community Services Act 1972*, *Community Services (Child Care) Regulations 1988* and *Community Services (Outside School Hours Care) Regulations 2002* were repealed by the *Children and Community Services Act 2004* s. 250.
- ³ Formerly referred to the *Children and Community Services (Child Care) Regulations 2006*, the citation of which was changed to the *Child Care Services (Child Care) Regulations 2006* by the *Children and Community Services (Child Care) Amendment Regulations 2007* r. 3. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ⁴ The *Child Care Services (Child Care) Regulations 2006* r. 28 was deleted in *Gazette* 6 Jan 2012 p. 19.

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- ⁵ The citation of the *Children and Community Services (Outside School Hours Care) Regulations 2006* was changed to the *Child Care Services (Outside School Hours Care) Regulations 2006* by the *Children and Community Services (Family Day Care) Amendment Regulations 2007* in *Gazette* 7 Aug 2007 p. 4037. The regulations were repealed by the *Child Care Services (Repeals) Regulations 2012* in *Gazette* 5 Mar 2013 p. 1114.
- ⁶ The citation of the *Children and Community Services (Family Day Care) Regulations 2006* was changed to the *Child Care Services (Family Day Care) Regulations 2006* by the *Children and Community Services (Family Day Care) Amendment Regulations 2007* in *Gazette* 7 Aug 2007 p. 4034. The regulations were repealed by the *Child Care Services (Repeals) Regulations 2012* in *Gazette* 5 Mar 2013 p. 1113.
- ⁷ The citation of the *Children and Community Services (Outside School Hours Care Family Day Care) Regulations 2006* was changed to the *Child Care Services (Outside School Hours Care Family Day Care) Regulations 2006* by the *Children and Community Services (Family Day Care) Amendment Regulations 2007* in *Gazette* 7 Aug 2007 p. 4041. The regulations were repealed by the *Child Care Services (Repeals) Regulations 2012* in *Gazette* 5 Mar 2013 p. 1114.

Working with Children (Screening) Regulations 2005

Notes Other notes

⁸ [Now known as the *Working with Children \(Screening\) Regulations 2005*; citation changed \(see note under r. 1\).](#)

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